

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SUSAN J. MOSELEY,  
Plaintiff,

v.

UNUM LIFE INSURANCE COMPANY OF  
AMERICA and UNUM GROUP,  
Defendants

CIVIL ACTION NO.  
4:22-CV-40079-RGS

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

The defendants, Unum Life Insurance Company of America (“Unum Life”) and Unum Group, pursuant to the provisions of Federal Rule of Civil Procedure 56, move this Court enter summary judgment in their favor on all counts of the Complaint.

The plaintiff, Susan J. Moseley, was covered under a group disability plan, governed by ERISA, provided by her employer, National Apartment Association. The plan was funded by a group policy issued by Unum Life.

After filing a disability claim with Unum Life, Ms. Moseley received long-term disability benefits totaling \$139,516.90 for the period of August 2018 through August 2020 for anxiety and depression. By that time, Ms. Moseley had received the maximum term of benefits payable for a disability based upon mental illness. Ms. Moseley sought to continue benefits after August 2020 on the grounds that she is disabled due to a physical condition, Lyme disease, not mental illness. Unum Life found Ms. Moseley is not disabled from her occupation in sales and marketing due to a physical condition and denied further benefits. This suit followed.

In support of this motion, the defendants submit their accompanying memorandum of law.

UNUM LIFE INSURANCE COMPANY  
OF AMERICA and UNUM GROUP,

By their attorney,

/s/ Joseph M. Hamilton  
Joseph M. Hamilton  
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Dated: January 30, 2023

CERTIFICATE OF SERVICE

I, Joseph M. Hamilton, hereby certify that this document(s), filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 30, 2022.

/s/ Joseph M. Hamilton  
Joseph M. Hamilton

Dated: January 30, 2023